

IN THE COURT OF CRIMINAL APPEALS OF TENNESSEE

AT KNOXVILLE

OCTOBER 1995 SESSION

**FILED**  
**November 21, 1995**  
**Cecil Crowson, Jr.**  
Appellate Court Clerk

STONEY JACKSON TAYLOR, )  
 )  
 Appellant, )  
 )  
 v. )  
 )  
 STATE OF TENNESSEE, )  
 )  
 Appellee. )

No. 03C01-9503-CR-00069  
Roane County  
Hon. E. Eugene Eblen, Judge  
(Post-Conviction)

For the Appellant:

Joe H. Walker  
Public Defender  
and  
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For the Appellee:

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and  
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OPINION FILED: \_\_\_\_\_

AFFIRMED PURSUANT TO RULE 20

Joseph M. Tipton  
Judge

OPINION

The petitioner, Stoney Jackson Taylor, appeals as of right from the Roane County Criminal Court's denying him post-conviction relief. His sole claim on appeal is that the trial court erred in finding that he received the effective assistance of counsel in his 1990 prosecution that ended in his conviction for assault with intent to commit first degree murder and resulted in a thirty-year sentence.

The petitioner and his trial attorney were the only witnesses to testify and their testimony differed substantially. The trial court's findings reflect conclusions that the trial attorney's testimony was believed and that there was no constitutional flaw in the petitioner's conviction and sentence. The evidence certainly does not preponderate against the trial court's finding. See Manning v. State, 883 S.W.2d 635, 637 (Tenn. Crim. App. 1994).

After full consideration of the record, the briefs, and the law governing the issue presented, we are of the opinion that the evidence is sufficient and that no error of law exists that would require a reversal. Therefore, we determine that the judgment of the trial court should be affirmed pursuant to Rule 20, Tenn. Ct. Crim. App.

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Joseph M. Tipton, Judge

CONCUR:

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John H. Peay, Judge

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David G. Hayes, Judge